

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

County of Tarrant, Texas v. Purdue Pharma L.P., et al., Case No. 1:18-OP-45274;

Durham County, North Carolina v. AmerisourceBergen Drug Corporation, et al., Case No. 1:19-OP-45346;

Board of County Commissioners of the County of Santa Fe, New Mexico v. Purdue Pharma L.P., et al., Case No. 1:18-OP-45776;

Cobb County, Georgia v. Purdue Pharma L.P., et al., Case No. 1:18-OP-45817;

Montgomery County, Ohio Board of County Commissioners, et al. v. Cardinal Health, Inc., et al., Case No. 1:18-OP-46326

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE COMPLAINTS UNDER SEAL**

Civil Local Rule 5.2 provides that “[n]o document will be accepted for filing under seal unless a ... prior court order authorizes the filing of sealed documents.” The Court has ordered that the five above-captioned cases be remanded for bellwether proceedings. Minute Order (Apr. 22, 2021); Order (Apr. 9, 2021), Dkt. 3688. Per the Parties’ agreement approved by Special Master Cohen,¹ the deadline to supplement and amend the complaints in the five bellwether cases is May 19, 2021. Plaintiffs seek the Court’s leave to file their supplemental and amended complaints

¹ See Email from SM Cohen to do Amaral (May 5, 2021), attached hereto as Exhibit A.

under seal pending resolution of any assertions of confidentiality by the same method utilized in Case Track Three. *See* Minute Order (May 15, 2020), attached hereto as Exhibit B.

Plaintiffs' supplemental and amended complaints contain material potentially subject to the Court's standing protective and confidentiality orders because Defendants have marked the material as confidential. *See* Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal (July 5, 2019), Dkt. 1813; Order Amending Case Management Order No. 2 (Protective Order) (Feb. 11, 2019), Dkt. 1357; Case Management Order No. 2: Protective Order (May 15, 2018), Dkt. 441. Plaintiffs make this motion to prevent unauthorized disclosure of this material and to comply with the Court's standing orders.

In light of the "strong presumption in favor of openness" accorded to pleadings, "which applies here with extra strength given the paramount importance of the litigation's subject matter," Plaintiffs do not believe their complaints should remain under seal. *In re Nat'l Prescription Opiate Litig.*, 927 F.3d 919, 939 (6th Cir. 2019). In Case Track 3, the Court ordered Plaintiffs to file the supplemental allegations under seal and required defendants to identify any confidential information within five days. *See* Ex. B. Accordingly, Plaintiffs request that the Court order Defendants to indicate whether they will request any redactions no later than five days after Plaintiffs' supplemental and amended complaints are served.

For the reasons above, the Court should grant Plaintiffs' motion, permit them to file their supplemental and amended complaints under seal, and order Defendants to indicate within five days of service whether they will request any redactions.

Dated: May 18, 2021

Respectfully submitted,

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Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/ Pete Weinberger
Peter H. Weinberger
Plaintiffs' Liaison Counsel